

The Office Action states that McCollum does not disclose certain limitations of the claims. Office Action, page 3. Specifically, McCollum does not disclose at least “that the water is heated to 300 to 500 and pressuring to 10 MPa to 30 MPa before contacting with the heavy oil, ... that the feedstock is a hydrocarbon heavy oil, ... that water is either supercritical water or subcritical water, and ... that the reforming oil can be used in a gas turbine.” Id. The Office Action relies on Horaki as disclosing these limitations. Office Action, page 4.

Applicants respectfully submit that Horaki is not a valid reference under 35 U.S.C. § 103(a) as applied to the present application. In order for a reference to be properly cited under 35 U.S.C. § 103(a), it must be a valid reference under one of 35 U.S.C. §§ 102(a)-(g). As a printed publication, Horaki must fit into one of 35 U.S.C. §§ 102(a),(b) or (e) in order to be a valid reference. As will be discussed in more detail below, Horaki does not qualify as a reference under any of these sections.

For 35 U.S.C. § 102(a) to apply, “the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant's own work.” M.P.E.P. 706.02(a)(II)(C). In order to apply a reference under 35 U.S.C. § 102(e), “the inventive entity of the application must be different than that of the reference.” M.P.E.P. 706.02(a)(II)(B). The inventive entity of Horaki is the same as that of the present application. Therefore, Horaki is not a valid reference under either 35 U.S.C. §§ 102(a) or (e).

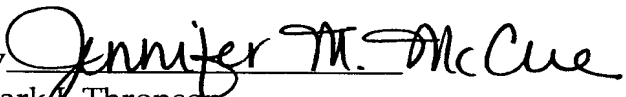
A reference qualifies as prior art under 35 U.S.C. § 102(b) “if the publication or issue date of the reference is more than one year prior to the effective filing date of the application.” M.P.E.P. 706.02(a)(II)(A). The publication date of Horaki (October 9, 2002) is within one year of the filing date of the present application (October 7, 2003). Therefore, Horaki is not a valid reference under 35 U.S.C. § 102(b).

Accordingly, claims 1-6 and 16 are allowable over the cited combination. Applicants respectfully request that the rejection as to claims 1-6 and 16 be withdrawn and the claims allowed.

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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